

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

CRL.A.No. 620 of 2000()

AGAINST THE ORDER DATED 06/09/2000 IN CRMC 4662/2000 IN
CC.876/1996 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE
.....

APPELLANT: COMPLAINANT

P.MOIDEEN
KOYENTETHODIKA, 16/48
NAGARAM AMSOM DESOM, KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT:ACCUSED

K.NOUSHAD
S/O.ABOOBACKER
4/1401, KALARIKKAL VEEDU
VELLAYIL ROAD, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.620 of 2000

Dated this the 19th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of CrI.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 3.7.2007.

The appeal is allowed.

**K.R.UDAYABHANU,
JUDGE**

